
**CITY OF TEMPE
HEARING OFFICER**

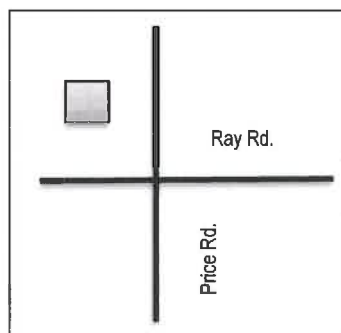
Meeting Date: 09/04/2018
Agenda Item: 6

ACTION: Request approval to abate public nuisance items at the Bukhari Property located at 2151 E. Caroline Lane. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1880.00 for abatement request, back yard landscape cleanup including over-height grass/weeds, removal of dead vegetation and tree stumps, and restoration of the pool to a clean and clear state.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the BUKHARI PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE183578: back yard landscape cleanup including over-height grass/weeds, removal of dead vegetation and tree stumps, and restoration of the pool to a clean and clear state.



Property Owner	Ahsan A. & Fariya Ashan Bukhari
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-15, Single Family Residential
Code Compliance Inspector:	Jack Scofield, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Barbara Simons, Code Inspector
Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Bukhari Property located at 2151 E. Caroline Lane, in the R1-15, Single Family Residential district. This case was initiated 06/11/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ABATEMENT



DATE: August 1, 2018
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CE183578, Bukhari Property Abatement

LOCATION: 2151 E CAROLINE LN TEMPE, AZ 85284
LEGAL: CIRCLE G RANCHES 4 UNIT 3 AMD MCR 237-37
PARCEL: 301-63-323
OWNER: BUKHARI AHSAN A/FARIYA AHSAN
2151 E CAROLINE LN
TEMPE, AZ 85284

FINDINGS:

6/11/2018 The Code Compliance Division received a complaint for deteriorated landscape and a deteriorated pool. Inspected property and over height grass and weeds in the rear yard, several dead trees and bushes in the front and rear yards, and a deteriorated pool with green stagnant water. Mailed notice to comply to owner.

6/25/2018 received returned mail for owner. Posted notice to comply to property and mailed to possible new address for owner.

7/9/2018 Posted final notice to comply to property and mailed to owner. Discovered a posting for Altisource Property Preservation on the front door. Contacted Altisource and they submitted a work order to have violations corrected. (EC2025610). They would not provide me with the foreclosing bank name or contact information.

08/01/2018 Posted notice of intent to abate to property and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2151 E Caroline Ln, due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8 and 21-3.B.16. Mr. Bukhari has been given ample time to come into compliance and maintain the property.. There has been no indication that the property owner will bring the property into compliance. The property represents a health hazard and an eyesore to the community.

Without the intervention of abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN:

NAME

DATE:

SUBMIT
[Signature]
8 1 18

CASE # CE183578



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 8/1/18

**BUKHARI AHSAN A/FARIYA AHSAN
2151 E CAROLINE LN
TEMPE, AZ 85284**

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

Legal: CIRCLE G RANCHES 4 UNIT 3 AMD MCR 237-37
Location: 2151 E CAROLINE LN TEMPE, AZ 85284
Parcel: 301-63-323

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **09/04/2018**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

- 1. CUT OVER HEIGHT GRASS AND WEEDS IN THE REAR YARD.**
- 2. REMOVE ALL DEAD VEGETATION IN THE REAR YARD. TREE STUMPS MUST BE REMOVED OR CUT TO GROUND LEVEL.**
- 3. RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGAE, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.**

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$1880.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Inspector: Jack Scofield

Phone Number: (480)350-8967

E-mail: jack_scofield@tempe.gov

CASE # CE183578



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 8/1/18

**BUKHARI AHSAN A/FARIYA AHSAN
5144 W ROSS DR
CHANDLER, AZ 85266**

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

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08/01/2018



08/01/2018



08/01/2018



08/01/2018





July 30, 2018

City of Tempe
Attn: Jack Scofield
Code Inspector

RE: Clean up – 2151 E Caroline Lane

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 2151 E Caroline Lane in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Landscape clean up front and rear yards (to include removal of all dead trees and other dead vegetation)
- Draining of pool
- Secure any open doors or windows leading into residence

Total = \$1,880.00

Respectfully,

Jose Hernandez



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

6/11/18

BUKHARI AHSAN A/FARIYA AHSAN
2151 E CAROLINE LN
TEMPE, AZ 85284

Case#: CE183578

Site Address: 2151 E CAROLINE DR TEMPE, AZ 85284

SITE REINSPECTION ON OR AFTER: 06/25/2018

This is a notice to inform you that this site was inspected on 6/11/18 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

Violation of City of Tempe Code 21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Violation of City of Tempe Code 21-3-B-16

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. CUT OVER HEIGHT GRASS AND WEEDS IN THE REAR YARD.
2. REMOVE ALL DEAD VEGETATION IN THE REAR YARD. TREE STUMPS MUST BE REMOVED OR CUT TO GROUND LEVEL.
3. FILL IN THE BARE DIRT AREAS OF THE FRONT AND SIDE YARDS WITH GRASS AND RETURN EXISTING GRASS TO A GREEN LIVING STATE, OR YOU MAY INSTALL A FORM OF ACCEPTABLE AND RECOGNIZABLE LANDSCAPE. THE LANDSCAPE COULD CONSIST OF GRAVEL, GRASS, DESERT, OR A COMBINATION OF EACH WITH DEFINED BORDERS.
4. RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGAE, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

6/25/18

BUKHARI AHSAN A/FARIYA AHSAN
2151 E CAROLINE LN
TEMPE, AZ 85284

Case#: CE183578

Site Address: 2151 E CAROLINE DR TEMPE, AZ 85284

SITE REINSPECTION ON OR AFTER: 07/09/2018

This is a notice to inform you that this site was inspected on 6/25/18 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

6/25/18

BUKHARI AHSAN A/FARIYA AHSAN
5144 W ROSS DR
CHANDLER, AZ 85266

Case#: CE183578
Site Address: 2151 E CAROLINE DR TEMPE, AZ 85284

SITE REINSPECTION ON OR AFTER: 07/09/2018

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Jack Scofield
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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

7/9/18

BUKHARI AHSAN A/FARIYA AHSAN
2151 E CAROLINE LN
TEMPE, AZ 85284

Case#: CE183578
Site Address: 2151 E CAROLINE DR TEMPE, AZ 85284

SITE REINSPECTION ON OR AFTER: 07/23/2018

This is a notice to inform you that this site was inspected on 7/9/18 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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4. RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGAE, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.

CORRECTIVE ACTION MUST BE COMPLETED OR A \$600.00 CITATION WILL BE ISSUED.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
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